

## **EXHIBIT “A”**

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

**SUPERIOR COURT****SUMMONS**

<b>Plaintiff</b> Barbara Ricci v. Kohl's, Inc. et al. <b>Defendant</b>	<b>Civil Action File Number</b> PC-2020-06487
	<b>Attorney for the Plaintiff or the Plaintiff</b> Wayne Resmini
	<b>Address of the Plaintiff's Attorney or the Plaintiff</b> 1022 RESERVOIR AVENUE CRANSTON RI 02910
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	<b>Address of the Defendant</b> c/o AFS Corporate Creations Network Inc 10 Dorrance Street Suite 700 Providence RI 02903

**TO THE DEFENDANT, Kin, Inc.:**

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.

/s/ Henry Kinch  
Clerk

Witness the seal/watermark of the Superior Court

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

## SUPERIOR COURT

<b>Plaintiff</b> Barbara Ricci v. Kohl's, Inc. et al. <b>Defendant</b>	<b>Civil Action File Number</b> PC-2020-06487
--	--

## PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Kin, Inc., by delivering or leaving said papers in the following manner:

- ☐ With the Defendant personally.
- ☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
 Name of person of suitable age and discretion \_\_\_\_\_  
 Address of dwelling house or usual place of abode \_\_\_\_\_  
 Age \_\_\_\_\_  
 Relationship to the Defendant \_\_\_\_\_
- ☐ With an agent authorized by appointment or by law to receive service of process.  
 Name of authorized agent \_\_\_\_\_  
 If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.  
 \_\_\_\_\_
- ☐ With a guardian or conservator of the Defendant.  
 Name of person and designation \_\_\_\_\_
- ☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.
- ☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.  
 Name of person and designation \_\_\_\_\_





STATE OF RHODE ISLAND AND

PROVIDENCE PLANTATIONS

**SUPERIOR COURT**

Upon a private corporation, domestic or foreign:

☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation \_\_\_\_\_

☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation \_\_\_\_\_

☒ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent

Corporate Creations Network, Inc.

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ I was unable to make service after the following reasonable attempts: \_\_\_\_\_

SERVICE DATE:

10/19/2020  
Month Day Year 343 PM

SERVICE FEE \$

45.00

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature \_\_\_\_\_

State of \_\_\_\_\_

County of \_\_\_\_\_

HAROLD W. OUMETTE  
R.I. CONSTABLE #6129Sc #137

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_ ☐ personally known to the notary

or ☐ proved to the notary through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: \_\_\_\_\_

My commission expires: \_\_\_\_\_

Notary identification number: \_\_\_\_\_

Page 2 of 2

Regus Dep. Dep. CM

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

**SUPERIOR COURT****SUMMONS**

<b>Plaintiff</b> Barbara Ricci v. Kohl's, Inc. et al. <b>Defendant</b>	<b>Civil Action File Number</b> PC-2020-06487
	<b>Attorney for the Plaintiff or the Plaintiff</b> Wayne Resmini
	<b>Address of the Plaintiff's Attorney or the Plaintiff</b> 1022 RESERVOIR AVENUE CRANSTON RI 02910
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	<b>Address of the Defendant</b> c/o AFS Corporate Creations Network Inc 10 Dorrance Street Suite 700 Providence RI 02903

**TO THE DEFENDANT, Kohl's Department Stores, Inc.:**

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.

/s/ Henry Kinch  
Clerk

Witness the seal/watermark of the Superior Court



STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

## SUPERIOR COURT

<b>Plaintiff</b> Barbara Ricci v. Kohl's, Inc. et al. <b>Defendant</b>	<b>Civil Action File Number</b> PC-2020-06487
--	--

## PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Kohl's Department Stores, Inc., by delivering or leaving said papers in the following manner:

- ☐ With the Defendant personally.
- ☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
 Name of person of suitable age and discretion \_\_\_\_\_  
 Address of dwelling house or usual place of abode \_\_\_\_\_  
 Age \_\_\_\_\_  
 Relationship to the Defendant \_\_\_\_\_
- ☐ With an agent authorized by appointment or by law to receive service of process.  
 Name of authorized agent \_\_\_\_\_  
 If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.  
 \_\_\_\_\_
- ☐ With a guardian or conservator of the Defendant.  
 Name of person and designation \_\_\_\_\_
- ☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.
- ☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.  
 Name of person and designation \_\_\_\_\_

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

## SUPERIOR COURT

Upon a private corporation, domestic or foreign:

☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation \_\_\_\_\_

☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation \_\_\_\_\_

☒ By delivering said papers to an agent authorized by appointment or by law to receive service of process.Name of authorized agent Corporate Creations Network, Inc

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ I was unable to make service after the following reasonable attempts: \_\_\_\_\_

SERVICE DATE:

10/19/2020  
Month Day Year

SERVICE FEE \$

45.00

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature \_\_\_\_\_

HAROLD W. OUIMETTE  
R.I. CONSTABLE #6129

State of \_\_\_\_\_

County of \_\_\_\_\_

Sc #180

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_ ☐ personally known to the notary or ☐ proved to the notary through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: \_\_\_\_\_

My commission expires: \_\_\_\_\_

Notary identification number: \_\_\_\_\_

Page 2 of 2

Rebus Deputum



STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

**SUPERIOR COURT****SUMMONS**

<b>Plaintiff</b> Barbara Ricci v. Kohl's, Inc. et al. <b>Defendant</b>	<b>Civil Action File Number</b> PC-2020-06487 <b>Attorney for the Plaintiff or the Plaintiff</b> Wayne Resmini <b>Address of the Plaintiff's Attorney or the Plaintiff</b> 1022 RESERVOIR AVENUE CRANSTON RI 02910
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	<b>Address of the Defendant</b> c/o AFS Corporate Creations Network Inc 10 Dorrance Street Providence RI 02903

**TO THE DEFENDANT, Kohl's, Inc.:**

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch Clerk
--	--------------------------

Witness the seal/watermark of the Superior Court



STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

## SUPERIOR COURT

<b>Plaintiff</b> Barbara Ricci v. Kohl's, Inc. et al. <b>Defendant</b>	<b>Civil Action File Number</b> PC-2020-06487
--	--

## PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Kohl's, Inc., by delivering or leaving said papers in the following manner:

- ☐ With the Defendant personally.
- ☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
 Name of person of suitable age and discretion \_\_\_\_\_  
 Address of dwelling house or usual place of abode \_\_\_\_\_  
 Age \_\_\_\_\_  
 Relationship to the Defendant \_\_\_\_\_
- ☐ With an agent authorized by appointment or by law to receive service of process.  
 Name of authorized agent \_\_\_\_\_  
 If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.  
 \_\_\_\_\_
- ☐ With a guardian or conservator of the Defendant.  
 Name of person and designation \_\_\_\_\_
- ☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.
- ☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.  
 Name of person and designation \_\_\_\_\_

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

## SUPERIOR COURT

Upon a private corporation, domestic or foreign:

☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation \_\_\_\_\_

☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation \_\_\_\_\_

☒ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent \_\_\_\_\_

*Corporate Creations Network Inc*

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ I was unable to make service after the following reasonable attempts: \_\_\_\_\_

SERVICE DATE: \_\_\_\_\_

Month Day Year

*10, 19, 2020 343 PM*

SERVICE FEE \$ \_\_\_\_\_

*45.00*

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE \_\_\_\_\_

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature \_\_\_\_\_

State of \_\_\_\_\_

County of \_\_\_\_\_

HAROLD W. OUIMETTE  
R.I. CONSTABLE #6129*SC #137*

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_

☐ personally known to the notaryor ☐ proved to the notary through satisfactory evidence of identification, which was \_\_\_\_\_

\_\_\_\_\_, to be the person who signed above in my presence,

and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: \_\_\_\_\_

My commission expires: \_\_\_\_\_

Notary identification number: \_\_\_\_\_

Page 2 of 2

*Reyes Desi Lopez CM*



STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

## SUPERIOR COURT

### SUMMONS

<b>Plaintiff</b> Barbara Ricci v. Kohl's, Inc. et al. <b>Defendant</b>	<b>Civil Action File Number</b> PC-2020-06487
	<b>Attorney for the Plaintiff or the Plaintiff</b> Wayne Resmini
	<b>Address of the Plaintiff's Attorney or the Plaintiff</b> 1022 RESERVOIR AVENUE CRANSTON RI 02910
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	<b>Address of the Defendant</b> c/o AFS Corporate Creations Network Inc 10 Dorrance Street Suite 700 Providence RI 02903

#### TO THE DEFENDANT, Kohl's of Illinois, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch Clerk
--	--------------------------

Witness the seal/watermark of the Superior Court

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

## SUPERIOR COURT

<b>Plaintiff</b> Barbara Ricci v. Kohl's, Inc. et al. <b>Defendant</b>	<b>Civil Action File Number</b> PC-2020-06487
--	--

## PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Kohl's of Illinois, Inc., by delivering or leaving said papers in the following manner:

- ☐ With the Defendant personally.
- ☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
 Name of person of suitable age and discretion \_\_\_\_\_  
 Address of dwelling house or usual place of abode \_\_\_\_\_  
 Age \_\_\_\_\_  
 Relationship to the Defendant \_\_\_\_\_
- ☐ With an agent authorized by appointment or by law to receive service of process.  
 Name of authorized agent \_\_\_\_\_  
 If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.  
 \_\_\_\_\_
- ☐ With a guardian or conservator of the Defendant.  
 Name of person and designation \_\_\_\_\_
- ☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.
- ☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.  
 Name of person and designation \_\_\_\_\_



STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

## SUPERIOR COURT

Upon a private corporation, domestic or foreign:

☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation \_\_\_\_\_

☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation \_\_\_\_\_

☒ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent \_\_\_\_\_

*Corporate Creation Network Inc.*

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ I was unable to make service after the following reasonable attempts: \_\_\_\_\_

SERVICE DATE: \_\_\_\_\_

Month Day Year

*10/19/2020 343 PM*

SERVICE FEE \$ \_\_\_\_\_

*45<sup>00</sup>*

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE \_\_\_\_\_

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature \_\_\_\_\_

State of \_\_\_\_\_

County of \_\_\_\_\_

HAROLD W. OUIMETTE  
R.I. CONSTABLE #6129*SC #137*On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_ ☐ personally known to the notaryor ☐ proved to the notary through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: \_\_\_\_\_

My commission expires: \_\_\_\_\_

Notary identification number: \_\_\_\_\_

Page 2 of 2

*Regus Desi Dapatchan*

STATE OF RHODE ISLAND  
 PROVIDENCE, SC.

SUPERIOR COURT

Barbara Ricci	)	
Plaintiff,	)	
	)	
Vs.	)	
	)	C.A. NO. PC 2020-_____
Kin, Inc, alias	)	
Kohl's Department Stores,	)	
Inc., alias, Kohl's Inc.,	)	
alias, Kohl's Inc., alias,	)	
Kohls of Illinois, alias, &	)	
Doe 1 Thru Doe 4, Inclusive	)	
Defendants,	)	
	)	

COMPLAINT

1. The plaintiff, Barbara Ricci is an individual that is a resident of North Providence, Rhode Island.
  
2. Upon information and belief, Defendant, Kohl's, Inc., alias, and/or Defendant "Doe", aka Defendant, Kohl's Department Stores, Inc., alias, Defendant, "Doe" (hereinafter, "Kohl's") is a foreign corporation with a business address of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051 with a licensed to do business address in the State of Rhode Island. Upon information and belief, the Defendant, Kohl's, alias, and/or Defendant, "Doe" is doing business at 321 Putnam Pike, Ste A280 in Smithfield, Rhode Island. The agent for service of process is Corporate Creations Network, Inc., 10 Dorrance Street in Providence, Rhode Island 02903.
  
3. Upon information and belief, Defendant, Kin, Inc., alias, and/or Defendant "Doe", aka Defendant, Kohl's Inc., alias, Defendant, "Doe" (hereinafter, "Kohl's") is a foreign corporation with a business address of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051 with a licensed to do business address in the State of Rhode Island. Upon information and belief, the Defendant, Kohl's, alias, and/or Defendant, "Doe" is doing business at 321 Putnam Pike, Ste A280 in Smithfield, Rhode Island. The agent for service of process is Corporate Creations Network, Inc., 10 Dorrance Street, Ste. 700 in Providence, Rhode Island 02903.



4. Upon information and belief, Defendant, Kohl's Illinois, Inc., alias, Defendant, "Doe" (hereinafter, "Kohl's") is a foreign corporation with a business address of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051 with a licensed to do business address in the State of Rhode Island. Upon information and belief, the Defendant, Kohl's, alias, and/or Defendant, "Doe" is doing business at 321 Putnam Pike, Ste A280 in Smithfield, Rhode Island. The agent for service of process is Corporate Creations Network, Inc., 10 Dorrance Street, Ste. 700 in Providence, Rhode Island 02903.
5. Upon information and belief, Defendant, Kohl's Department Stores, Inc., alias, and/or Defendant "Doe", aka Defendant, Kohl's Inc., alias, Defendant, "Doe" (hereinafter, "Kohl's") is a foreign corporation with a business address of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051 with a licensed to do business address in the State of Rhode Island. Upon information and belief, the Defendant, Kohl's, alias, and/or Defendant, "Doe" is doing business at 321 Putnam Pike, Ste A280 in Smithfield, Rhode Island. The agent for service of process is Corporate Creations Network, Inc., 10 Dorrance Street, Ste. 700 in Providence, Rhode Island 02903.
6. Upon information and belief, defendant, Doe 1 Thru Doe 4, Inclusive, (hereinafter, "Doe" the true names and capacities whether Individual, corporate, or otherwise, of the named herein as Doe 1 thru Doe 4, Inclusive, are unknown to the plaintiffs at the present time, the plaintiffs sue said Doe defendants by such fictitious names. Plaintiffs informed and believed and therefore alleged that each of the defendant designated herein by fictitious names are in some manner responsible for the events a happening herein referred to, and caused the damages proximate and foreseeable hereby to the plaintiffs as hereinafter alleged. Plaintiffs will ask leave of the Court amend this complaint when the true names and capacities of the "Doe" defendant(s) have been ascertained.
7. Plaintiffs' damages are sufficient to confer jurisdiction in the Superior Court.

## COUNT I

8. Several days prior to November 24, 2017, defendant, Kolh's, alias, and/or Defendant, "Doe" conducted an unusual and extensive advertising campaign in the Southern New England Area, advertising on radio, television, newspapers and sending out handbills advertising the fact that Kolh's store would be open early with great "Black Friday," bargains on November 24, 2017.
9. On or about November 24, 2017, Plaintiff, Barbara Ricci, was a business invitee upon Defendants premises, Kolhl's, alias, and/or Defendant, "Doe" (hereinafter "Kohl's"), located at 321 Putnam Pike Ste. A 280, Smithfield, Rhode Island and at all times herein was in the exercise of due care and caution so as to allow recovery in this matter.
10. On or about November 24, 2017, Defendant, Kolhl's, by and through its agents, servants and/or employees was under the obligation to maintain the premises located at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island in a clean, good, and safe condition for the general public.
11. Defendant, Kolh's, had a duty to exercise reasonable care to protect invitees such as plaintiff, Barbara Ricci from those risks of which Defendant, Kolh's was actually aware, and from those risks of which Kolh's should have been aware after reasonable inspection.
12. On November 24, 2017, plaintiff, Barbara "Ricci was on the premises at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, the Kolh's building, plaintiff, state, that its officers, agents, and employees under the control and supervision of the defendant, Kolh's negligently and carelessly permitted excessive numbers of individuals onto the premises, placing plaintiff and others lawfully upon the premises in danger of injury from overcrowding.
13. Defendant, Kolh's, through its officers, agents, servants and employees, was further negligent in failing to control or supervise the conduct of the crowd within the premises. The crowd was unmanageable, and pushed and jostled plaintiff to such an extent that while she was traversing the aisles, she, lost her footing and tripped slipped fell to the floor. Plaintiff, state, defendants, through its officers, agents, and employees, was further negligent in failings to employ more personal to supervise the crowds



these negligent acts and omissions was a proximate cause of plaintiff's serious injuries.

14. As a direct and proximate result of the defendant's negligence, plaintiff has suffered and will continue to suffer severe physical pain and mental anguish, to plaintiff's damage in an amount within the jurisdictional limits of this court.
15. Defendant knew, or reasonably should have known, that crowds generated by its advertising, and the store would have a number of people of all ages shopping in the store and could result in harm to invitees such as that suffered by plaintiff.
16. Plaintiff's injuries were the proximate result of defendant's breach of its duty owed plaintiff to exercise reasonable care for plaintiff's protection. Defendant breached its duty of care owed plaintiff in the following particulars:
  - (a) in failing to use special police or security personnel or other appropriate means to keep order in the large crowd at defendant's store on the day of the sale;
  - (b) in failing to make any effort to prevent the crowd from engaging in dangerous pushing, shoving, and scuffling.
17. As a proximate result of the defendant's negligence, plaintiff has suffered and continues to suffer severe physical pain and mental anguish, to plaintiff's damage in an amount within the jurisdictional limits of this court.
18. As a direct and proximate result of the negligence of the Defendant, Kolhl's, the Plaintiff, Barbara Ricci, sustained severe personal injuries that required medical treatment for pain and suffering, trauma, anxiety, and loss of earning capacity, all of which were proximately caused by the negligence of said Defendant, Kolh's, and/or their agents servants and employees..

WHEREFORE, Plaintiff, Barbara Ricci demands judgment against the Defendant, Kolh's, alias, and/or Defendant, "Doe" plus interest, costs, and attorney fees.

## COUNT II

19. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 18 of Count I above and repeats the same.
20. On November 24, 2017, Plaintiff, Barbara Ricci, was a business invitee upon the premises owned by the Defendant, Kolhl's, located at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, wherein the Plaintiff, Barbara Ricci, was invited to shop and purchase items from said Defendant, Kolh's, and, while upon said premises, sustained a personal injury.
21. Plaintiff, Barbara Ricci, having anticipated paying adequate consideration as a business invitee, imposes a contract of responsibility on said Defendant, Kolhl's', to maintain the property in a sufficient manner as to imply safety for its intended business invitee and guests.
22. As a result of the Defendant's, Kolhl's, breach of that contractual duty in failing to maintain its property in a reasonable and safe manner, the Plaintiff, Barbara Ricci, incurred medical expenses.
23. Additionally, Plaintiff, Barbara Ricci, sustained consequential damages as a result of the breach of contract by said Defendant, Kolhl's, and requests that she be indemnified accordingly.

WHEREFORE, Plaintiff, Barbara Ricci hereby demands judgment against the Defendant, Kolh's, alias, and/or Defendant, "Doe", on Count II, plus interest and costs.

## COUNT III

24. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 23 of Count I and II above and repeats the same.
25. On or about November 24, 2017, Plaintiff, Barbara Ricci, was a business invitee upon Defendant, Kolhl's, premises wherein the Plaintiff, Barbara Ricci, was invited to purchase items from said Defendant, Kolhl's, and while upon said premises, sustained a personal injury.



26. Plaintiff, having paid consideration as business invitees, impose a contract of responsibility on said Defendant, Kohl's, to maintain the property in a sufficient manner as to imply safety for its intended business invitee guests, and, further, by its mode of operation, is responsible for such negligence and foreseen conditions on its premises.
27. As a result of the Defendant's, Kohl's, breach of that duty in failing to maintain its property in a reasonable and safe manner, the Plaintiff incurred medical expenses and the loss of love, affection, companionship, society and consortium, all to the detriment of the Plaintiff, and as a result of the Defendant implied agreement to said Plaintiff.
28. Additionally, Plaintiff sustained consequential damages as a result of the breach of contract by said Defendant their agent's servants and employees, requests that they be indemnified accordingly.

WHEREFORE, Plaintiff, Barbara Ricci hereby demand judgment against the Defendants, jointly and severally, plus interest and costs.

#### COUNT IV

29. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 28 of Count I, Count II and Count III above and repeats the same
30. At all times mentioned in this complaint, defendant maintained, operated, and controlled a store for the retail sale of merchandise, known as Kohl's, located at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, wherein the Plaintiff, Barbara.
31. In the aisles of where the plaintiff was injured, defendant Kohl's maintained certain platforms that mannequin was resting on were placed throughout the store. The platforms holding the mannequin extended into the aisle, creating an obstruction to those passing along the aisle. The platforms were of a similar color and approximately the same shade as were floor covering and the platforms were not attached to the floors beneath them and created an unreasonable risk of injury to those passing along the aisle who would fail to notice the platform or be

distracted by the mannequin would be injured by coming into contact with them.

32. At all times mentioned in this complaint, defendant knew or in the exercise of reasonable care should have known that the platforms holding the mannequins created an unreasonable risk of injury by their presence, so that patrons of the Kohls store would be surprised after observing other aisles free of such obstructions and the aisle in question often free of the obstructing seats.
33. On November 24, 2017, plaintiff, Barbara Ricci, an invitee on defendant's premises, while viewing merchandise in the store with the intent to make purchases, walked against one of the carts on wheels holding merchandise that could not be places on the shelves, until a few moments prior to that time, had been free of obstruction. Plaintiff's struck the cart and a platform holding a store mannequin and the elderly plaintiff fell to the floor, sustaining injuries: [describe injuries].
34. Defendant's negligence in maintaining the nuisance created by the collapsible seats under the circumstances described above without any sign or other device warning of their presence was the proximate cause of plaintiff's injuries.
35. The injuries to plaintiff were caused solely and proximately by the negligence of defendant, Kolh's their agents, servants, and employees
36. On or about, November 24, 2017, Defendant, Kolh's, by and through its agents, servants and/or employees were under any obligation to maintain the premises of Kohl's located at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, in a clean, good and safe condition for the general public.
37. On or about November 24, 2017, Defendant, Kolh's by and through its agents, servants and/or employees was negligent in maintain the premises of Kohl's at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, tin a clean, good and safe condition so as to cause Plaintiff, Barbara Ricci to suffer injures when she tripped over the cart of one of the aisles.
38. As a direct and proximate result of the negligence of the Defendant, Kohl's the plaintiff, Barbara Ricci, sustained severe personal injuries that required medical treatment



for pain and suffering, trauma anxiety, and loss of earning capacity all of which were proximately caused by the negligence of the Defendant, Kohl's.

WHEREFORE, Plaintiff, Barbara Ricci, hereby demands judgment against the Defendant, Kohl's plus interest and costs.

COUNT V

39. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 38 of Count I, Count II, Count III and Count IV above and repeats the same.

40. On or about November 24, 2017, Defendant, Kohl's a self-service establishment, should have reasonably foreseen that a dangerous condition could occur anywhere in the store due to the product sold in its store.

41. Plaintiff, Barbara Ricci, entrusted her safety to Defendant, Kohl's, and imposes a responsibility on said Defendant, Kohl's, to take reasonable precautions necessary to protect her from foreseeable conditions that are related to the owner's self-service mode of operation.

42. As a result of not taking reasonable precautions to protect the plaintiff, Barbara Ricci, Defendant, Kohl's breached their duty to provide a safe shopping environment for customers in its store, and Defendant, Kohl's, is liable for the injuries sustained by the plaintiff, Barbara Ricci, on November 24, 2017.

43. As a direct and proximate cause of the negligence of the Defendant, Kohl's, the plaintiff, Barbara Ricci, sustained severe personal injuries that required medical treatment that is ongoing as well as other damages proximately caused by the negligence of the said defendant, Kohl's.

44. Damages are sufficient to confer jurisdiction upon the Superior Court.

WHEREFORE, Plaintiff, Barbara Ricci, hereby demands judgment against the Defendant, Kohl's plus interest and costs.

## Count VI

45. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 44 of Count I, Count II, Count III, Count IV and Count V above and repeats the same.
46. At all times mentioned in this complaint, defendant Kolh's, alias, and/or Defendant, "Doe" owned, operated, and controlled a certain retail store, known as Kolh's located At 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island.
47. On November 24, 2017, plaintiff, Barbara Ricci entered defendant's store during the regular hours for retail customers to inspect and, if desired, to purchase defendant's merchandise.
48. At all times mentioned in this complaint, defendant had the duty to maintain the premises in a reasonably safe condition for retail customers, including plaintiff, and to provide in particular an aisle or other suitable place from which the customers, including plaintiff, could view the merchandise and make their purchases. In violation of this duty, defendant maintained in one of the aisles provided for customers a cart and clothing on the floor not readily observable by patrons of the store whenever the aisle became crowded. Defendant knew or had reason to know that this obstruction created an unreasonable risk of injury to those patronizing the store and could reasonably foresee that a patron, such as plaintiff, would trip and fall over the obstruction and be injured as a result.
49. On the date first mentioned above, while plaintiff traversed the above-mentioned aisle with a number of other patrons, looking at the merchandise and moving with due care to avoid bumping into other patrons, plaintiff tripped over clothing and other obstructions in the aisle, fell to the floor, and sustained injuries.
50. Defendant's negligence in failing to provide a reasonably safe aisle within which plaintiff might shop, and in maintaining the above-described obstruction in the aisle, was the proximate cause of plaintiff's injuries.
51. The above-described injuries to plaintiff were caused solely and proximately by the negligence of defendant and



without any contributory negligence on the part of plaintiff.

52. As a direct and proximate sures of the negligence of the Defendant, Kolh's, the plaintiff, Barbara Ricci, sustained severe personal injuries that required medical treatment that is ongoing as well as other damages proximately caused by the negligence of the said defendant, Kolh's.

WHEREFORE, Plaintiff, Barbara Ricci, hereby demands judgment against the Defendant, Kolh's plus interest and costs and such other and further relief as the court deems just and proper.

#### COUNT VII

53. Plaintiff hereby incorporates by reference the allegations of paragraphs 1 through 52 as set forth herein.
54. Defendants and their agents, servants and/or employees at all times material herein, owned, operated, managed, controlled, and maintained the premises at 371 Putnam Pike, Ste. A280 Smithfield, Providence County in the State of Rhode Island.
55. Defendants and their agent's servants and employees were responsible for providing security and safety measures for crowd management and control at 371 Putnam Pike, Ste. A280 Smithfield, Providence County in the State of Rhode Island.
56. Defendants their agents, servants and employees had a duty to use reasonable care and specifically an obligation to inspect, repair and reasonably maintain the subject areas, of the premises which it leased, owned, managed, maintained, controlled and/or operated.
57. Defendants failed to inspect and maintain the area in a reasonably safe condition and failed to maintain the premises in a condition fit for its intended and foreseeable use.
58. Defendants failed to remove, inspect, or maintain, and/or place a railing, rope, guardrail, or barriers around the platform so that individuals lawfully upon the premises would not slip trip and fall over an object that was not properly anchored to the floor and easy to move.

59. Defendants failed to warn customers on the premises of the dangerous condition on the premises.
60. Based upon its obligation to inspect and maintain the subject area, Defendants, their agents servants, and employee knew or should have known that the subject area contained or which could not have been discovered by foreseeable users of the subject area through reasonable observation in a crowded store.
61. Defendants knew or should have known that the subject area was open to use by business invitees and guests and encouraged and advertised for customers to be there.
62. Defendants and their agents, servants and employees having caused them to exist through negligent maintenance and inspection of the subject area, failed to remove the hidden danger and failed to warn the public, including Plaintiff.
63. Defendants knew or should have known that the subject area was open to continual and extensive use by the public. Defendants failed to provide adequate security or crowd control and failed to instruct or warn patrons of the danger of the platform.
64. Defendants, having caused the hidden defect to exist through their negligent placement, design, construction, maintenance and inspection of the premises, failed to remove the hidden defect, abate the dangerous conditions, and failed to warn the public, including Plaintiff, Barbara Ricci concerning the hidden defect.
65. As a direct and proximate result of Defendants' failure to use due care in the inspection, repair, maintenance, security, crowd control and warnings regarding the subject area, Plaintiff, Barbara Ricci has sustained severe and permanent injuries and other damages described herein.

WHEREFORE, Plaintiff, Barbara Ricci demands judgment against Defendants, Kohl's, alias, and/or Defendant, "Doe" jointly and severally, on this Count plus interest and costs of this action.

THE PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL COUNTS.



Plaintiff,  
Barbara Ricci  
By her Attorney

/s/Wayne G. Resmini, Esq.  
Wayne G. Resmini, Esq. #6373  
RESMINI LAW LLC  
1022 Reservoir Avenue  
Cranston, RI 02910  
(401) 751-6655 (Phone)  
(401) 751-6282 (Facsimile)

Dated: September 1, 2020